UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,872	10/23/2003	Sterling Reasor	304671.01/MFCP.143034	6758

45809   7590   02/18/2009
SHOOK, HARDY & BACON L.L.P.
(c/o MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER
JOO, JOSHUA

ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 December 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,12,15,24,27 and 37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 12, 15, 24, 27, and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

1.   This Office action is in response to Applicant's communication filed on 12/04/2008.

Claims 1, 12, 15, 24, 27, and 37 are pending for examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 12, 15, 24, 27, and 37 have been considered but

are moot in view of the new ground(s) of rejection.   New ground(s) of rejection are necessitated by

Applicant's amendment.

Claim Objections

3.   Claims 12 and 37 are objected to because of the following informalities:

i)   Regarding claims 12 and 37, in the phrase "generating visual cues corresponding to the
        data not currently available", "the data" should be changed to "data" for clarification
        purposes since prior claim(s) do not refer to "data not currently available".

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i)   Regarding claim 24, the phrase "wherein displaying the merged result" has insufficient
        antecedent basis since claims 15 and 24 do not recite a feature of "displaying the merged
        result".

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1, 15, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goel et al.

US Patent #7,130,841 (Goel hereinafter), in view of Kirsch, US Patent #7,031,954 (Kirsch hereinafter),

Bloch et al. US Publication #2003/0158947 (Bloch hereinafter) and Walters et al. US Patent #7,216,115

(Walters hereinafter).

8.   As per claim 1, Goel teaches substantially the invention as claimed including a computer network

having two or more computing devices in communication, a method for managing data available for

access on the network, the method comprising:

        obtaining, at a host computing device included as part of the computing network and associated

with a user, a first user request to identify data corresponding to a set of criteria (col. 5, line 61-64; col. 6,

line 5-19. Query at local system. Search terms.);

        obtaining an identification of data stored on the host computing device associated with the first

user request and matching the set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-

56. Result may include identifier.);

        automatically obtaining an identification of data stored on at least one computing device included

in the computer network and matching the set of criteria (col. 6, lines 9-14, 50-64. Automatically query

remote system to derive a second result.);

merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on the at least one computing device included in the computer network (col. 7, lines 47-56. Combine the first and second result.);

generating a first user result from the merging of the identification of data stored on the host computing device associated with the first user request and the identification of data stored on the at least one computing device included in the computer network (col. 8, line 5-15. Display the result after combining.);

maintaining a record of the first user result (col. 8, line 5-15. Display the result. It is inherent that the result is stored in memory while being displayed.);

obtaining, at the host computing device, a second user request to identify data corresponding to the set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

obtaining a second user result identifying data associated with the second user request and matching the set of criteria, stored either on the host computing device or on any other computing device in the network available to identify data in response to a request (col. 5, line 61-64; col. 6, line 5-19, 46-49. Receive results from querying local system.).

9.   Goel does not specifically teach:

the set of criteria including a unique security ID associated with the user;

verifying the authorization of the user to access the data corresponding to the set of criteria based on the unique security ID;

determining that at least one computing device in the computer network that was previously searched as a result of the first user request is unavailable to identify data corresponding to the second user request;

generating a recalled result portion by recalling the portion of the first result located on the at least one computing device that is unavailable during the second user request;

generating a substituted result by substituting the recalled result portion for results from the

second user request of the at least one unavailable computing device; and

generating a merged result by merging the second user result and the substituted result.

10.   Kirsch teaches a method comprising of searching data corresponding to a set of criteria including

a unique security ID associated with a user; and verifying the authorization of the user to access the data

corresponding to the set of criteria based on the unique security ID (claim 1; col. 2, lines 2-14; col. 4,

lines 3-19).

11.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings for the set of criteria to include a unique security ID associated with the user;

and verify the authorization of the user to access the data corresponding to the set of criteria based on the

unique security ID. The motivation for the suggested combination is that Kirsch's teachings would

improve Goel's teachings by providing secure access to content on the network and thus preventing

unauthorized accessed to private information.

12.   Bloch teaches a system for enabling online and offline operation comprising of:

determining that at least one computing device in a computer network that was previously

searched as a result of the first user request is unavailable to identify data corresponding to the second

user request (Paragraph 0092. Receive request and sends request to a server. Save data in cache.

Paragraph 0096. In another instance, receive a request when client is offline.);

generating a recalled result portion by recalling the portion of the first result located on the at

least one computing device that is unavailable during the second user request and generating a substituted

result by substituting the recalled result portion for results from the second user request of the at least one

unavailable computing device (Paragraphs 0031; 0096. If the request is a query, obtain a portion or all of

data from cache as a result of the query.).

13.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine that at least one computing device in a computer network that was previously searched as a result of a first user request is unavailable to identify data corresponding to a second user request; and generate a recalled result portion by recalling a portion of the first result located on the at least one computing device that is unavailable during the second user request; and generate a substituted result by substituting the recalled result portion for results from the second user request of the at least one unavailable computing device.   The motivation for the suggested combination is that Bloch's teachings would improve the suggested system by offering convenience to users of accessing data when off line as suggested by Bloch (Paragraph 0008).

14.   Walters teaches a search system, wherein results of a previous search is combined with a subsequent search result (col. 4, lines 24-31; col. 11, lines 18-26).

15.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine to merge a result from a previous query with a result from a subsequent query as taught by Walters such that a recalled result and a second result as taught by the suggested system are merged. The motivation for the suggested combination is that Walter's teachings would enhance the suggested system by enabling searching of electronic content in an offline manner as taught by the suggested system and allowing a user to identify and review results of prior and current searches.

16.   As per claim 15, Goel teaches substantially the invention as claimed including in a computer network having two or more computing devices in communication, a method for managing data available for access on the network, the method comprising:

        obtaining a first user request to identify data stored on the two or more computing devices, wherein one of the two more computing devices is a local computing device, the data corresponding to a set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.),

automatically querying the two or more computing devices within the computer network to

identify data stored on the local computing device storage locations (col. 6, lines 6-9, 46-49. Receive first

result. col. 6, lines 9-14, 50-64. Automatically query remote system to derive a second result.);

merging results of the querying;

generating a first user result from merging results of the querying (col. 7, lines 47-56. Combine

the first and second result);

displaying the first user result (col. 8, line 5-15. Display the result after combining.);

maintaining a record of the first user result (col. 8, line 5-15. Display the result. It is inherent

that the result is stored while being displayed.);

obtaining a second user request to identify data stored on the two or more computing devices (col.

5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

obtaining a second user result identifying data stored on one or more available computing devices

in the computer network associated with the unique user security identifier and matching the unique user

identifier (col. 5, line 61-64; col. 6, line 5-19. Query at local system. col. 6, lines 6-9, 46-49. Receive

first result.).

17.   Goel does not specifically teach:

the set of criteria including a unique security ID;

identify data associated with the unique user security ID;

verifying authorization of the user, based on the unique user security ID, to access the data

corresponding to the set of criteria;

determining that at least one of the two more computing devices previously searched as a result of

the first user request is unavailable to identify data corresponding to the second user request;

generating a recalled result portion by recalling the portion of the first user result containing data

located on the at least one computing device that is unavailable during the second user request;

generating a substituted result by substituting the recalled result portion for results from the

second user request of the at least one unavailable computing device; and

generating a merged result by merging the second user result and the substituted result.

18.   Kirsch teaches a method comprising of identifying data corresponding to a set of criteria

including a unique security ID associated with a user; and verifying the authorization of the user to access

the data corresponding to the set of criteria based on the unique security ID (claim 1; col. 2, lines 2-14;

col. 4, lines 3-19).

19.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings for the set of criteria to include a unique security ID associated with the user;

identify data associated with the unique security ID; and verify the authorization of the user to access the

data corresponding to the set of criteria based on the unique security ID. The motivation for the

suggested combination is that Kirsch's teachings would improve Goel's teachings by providing secure

access to content on the network and thus preventing unauthorized accessed to private information.

20.   Bloch teaches a system for enabling online and offline operation comprising of:

determining that at least one of the computing devices previously searched as a result of the first

user request is unavailable to identify data corresponding to the second user request (Paragraph 0092.

Receive request and sends request to a server. Data is saved in cache. Paragraph 0096. In another

instance, receive a request when client is offline.);

generating a recalled result portion by recalling the portion of the first user result containing data

located on the at least one computing device that is unavailable during the second user request

(Paragraphs 0031; 0096. If the request is a query, obtain a portion or all of data from cache as a result of

the query.).

21.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine that at least one of the computing device in a computer network that was previously searched as a result of a first user request is unavailable to identify data corresponding to a second user request; and generate a recalled result portion by recalling the portion of the first user result containing data located on the at least one computing device that is unavailable during the second user request.   The motivation for the suggested combination is that Bloch's teachings would improve the suggested system by offering convenience to users of accessing data when off line as suggested by Bloch (Paragraph 0008).

22.   Walters teaches a search system, wherein results of a previous search is combined with a subsequent search result (col. 4, lines 24-31; col. 11, lines 18-26).

23.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine to merge a result from a previous query with a result from a subsequent query as taught by Walters such that a recalled result and a second result as taught by the suggested system are merged. The motivation for the suggested combination is that Walter's teachings would enhance the suggested system by enabling searching of electronic content in an offline manner as taught by the suggested system and allowing a user to identify and review results of prior and current searches.

24.   As per claim 27, Goel teaches substantially the invention as claimed including in a computer network having a computing device directly associated with a user and at least one remote computing device in communication, a method for managing data available for access on the network, the method comprising:

        obtaining, by the computing device directly associated with the user, a first request to identify data corresponding to a set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.),

obtaining, by the computing device directly associated with the user, an identification of locally stored data matching the set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.);

transmitting, by the computing device directly associated with the user, the first request to the at least one remote computing device for an identification of data matching the set of criteria (col. 6, lines 9-14, 50-64. Query remote system.);

obtaining, by the remote computing device, an identification of locally stored data matching the set of criteria;

transmitting, by the at least one remote computing device, the identification of locally stored data matching the set of criteria (col. 6, lines 9-14, 50-64. Automatically query remote system to derive a second result.);

generating a first user result by merging, by the computing device directly associated with the user, data matching the set of criteria stored on the device directly associated with the user and the at least one remote computing device (col. 7, lines 47-56. Combine the first and second result.);

maintaining a record of the first user result (col. 8, line 5-15. Display the result. It is inherent that the result is stored in memory while being displayed.);

obtaining, by the computing device directly associated with the user, a second user request to identify data corresponding to the set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

obtaining, by the computing device directly associated with the user, a second user result comprising an identification of data stored locally matching the set of criteria and data stored on any remote computing device that is still available to identify data in response to a request (col. 5, line 61-64; col. 6, line 5-19, 46-49. Receive results from querying local system.).

25.   Goel does not specifically teach:

the set of criteria including a unique security ID associated with the user;

verifying authorization, based on the unique security ID of the user, to access the data

corresponding to the set of criteria;

determining, by the computing device directly associated with the user, that least one remote

computing device that was previously searched as a result of the first user request is unavailable to

identify data corresponding to the second user request;

generating a recalled result portion by recalling, by the computing device directly associated with

the user, the portion of the first user result containing data located on the at least one remote computing

device that is unavailable during the second user request;

generating a substituted result by substituting the recalled portion for results from the second user

request of the at least one unavailable remote computing device in the network; and

generating a merged result by merging, by the computing device directly associated with the user,

the second user result and the substituted result.

26.   Kirsch teaches a method comprising of identifying data corresponding to a set of criteria

including a unique security ID associated with a user; and verifying the authorization of the user to access

the data corresponding to the set of criteria based on the unique security ID (claim 1; col. 2, lines 2-14;

col. 4, lines 3-19).

27.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings for the set of criteria to include a unique security ID associated with the user;

identify data associated with the unique security ID; and verify the authorization of the user to access the

data corresponding to the set of criteria based on the unique security ID. The motivation for the

suggested combination is that Kirsch's teachings would improve Goel's teachings by providing secure

access to content on the network and thus preventing unauthorized accessed to private information.

28.   Bloch teaches a system for enabling online and offline operation comprising of:

determining, by the computing device directly associated with the user, that least one remote computing device that was previously searched as a result of a first user request is unavailable to identify data corresponding to a second user request (Paragraph 0092. Receive request and sends request to a server. Data is saved in cache. Paragraph 0096. In another instance, receive a request when client is offline.);

generating a recalled result portion by recalling, by the computing device directly associated with the user, the portion of the first user result containing data located on the at least one remote computing device that is unavailable during the second user request (Paragraphs 0031; 0096. If the request is a query, obtain a portion or all of data from cache as a result of the query.).

29.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine, by the computing device directly associated with the user, that least one remote computing device that was previously searched as a result of a first user request is unavailable to identify data corresponding to a second user request; and generate a recalled result portion by recalling, by the computing device directly associated with the user, the portion of the first user result containing data located on the at least one remote computing device that is unavailable during the second user request. The motivation for the suggested combination is that Bloch's teachings would improve the suggested system by offering convenience to users of accessing data when off line as suggested by Bloch (Paragraph 0008).

30.   Walters teaches a search system, wherein results of a previous search is combined with a subsequent search result (col. 4, lines 24-31; col. 11, lines 18-26).

31.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine to merge a result from a previous query with a result from a subsequent query as taught by Walters such that a recalled result and a second result as taught by the suggested system are merged. The

motivation for the suggested combination is that Walter's teachings would enhance the suggested system by enabling searching of electronic content in an offline manner as taught by the suggested system and allowing a user to identify and review results of prior and current searches.

32.   Claims 12, 24, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goel, Kirsch, Bloch, and Walter, in view of Smith, US Publication #2002/0059163 (Smith hereinafter).

33.   As per claim 12, Goel, Kirsch, Bloch, and Walter teach of generating a merged result by merging the second user result and the substituted result but do not specifically teach of including generating visual cues to the data not currently available to the user.

34.   Smith teaches of searching information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

35.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the suggested system with Smith's teachings to display search results and flag the results that are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the suggested system by notifying to the user of content that cannot be accessed.

36.   As per claim 24, Goel, Kirsch, Bloch, and Walter does not specifically teach the method as recited in claim 15, wherein displaying the merged result includes generating visual cues corresponding to data not currently available to the user.

37.   Smith teaches of searching information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

38.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the suggested system with Smith's teachings to display search results and flag the results that

are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the suggested system by notifying to the user of content that cannot be accessed.

39.   As per claim 37, Goel, Kirsch, Bloch, and Walter teach of generating a merged result by merging the second user result and the substituted result but do not specifically teach including generating visual cues corresponding to the data not currently available to the user.

40.   Smith teaches of searching information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

41.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the suggested system with Smith's teachings to display search results and flag the results that are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the suggested system by notifying to the user of content that cannot be accessed.

Conclusion

42.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

43.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

44.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be

reached on Monday to Friday 7 to 4.

45.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

46.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./
Examiner, Art Unit 2454

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454